

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THROMBOGENICS NV,

Plaintiff,

v.

HONORABLE DAVID J. KAPPOS,
Undersecretary of Commerce for
Intellectual Property & Director of the
United States Patent & Trademark Office,

Defendant.

Civil Action No. 09-2354 (JDB)

ORDER

Upon consideration of [8] defendant's consent motion to remand the case, and the entire record herein, it is hereby **ORDERED** that the motion is **GRANTED**; it is further

ORDERED that defendant's current patent-term calculation for United States Patent No. 7,547,435 is hereby **VACATED**; it is further

ORDERED that the matter is **REMANDED** to the United States Patent & Trademark Office for recalculation and adjustment of the patent-term calculation for United States Patent No. 7,547,435 in accordance with the decision of the United States Court of Appeals for the Federal Circuit in Wyeth & Elan Pharma Int'l Ltd. v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010); and it is further

ORDERED that this case is **DISMISSED** without prejudice.

SO ORDERED.

/s/

JOHN D. BATES
United States District Judge